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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,736	05/31/2000	Avner Shafrir	52817.000112	2786

29315 7590 12/22/2003

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EXAMINER

HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 12/22/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.
09/583,736

Applicant(s)
Avner Shafrir

Examiner
Tadesse Hailu

Art Unit
2173



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 17, 2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

1. This Office Action is in response to the AMENDMENT entered 11/17/2003 for the patent application (09/583,736).
2. The present patent application claims priority from domestic US Application 60/137,513 filed April 2, 1999.
3. The pending claims 1-33 are examined as follows:

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mirabilis LTD, Quick Tour, February 12, 1998 in view of ICQ Inc, ICQ Email Signature, May 2, 1999.

ICQ, as disclosed in Mirabilis LTD, Quick Tour, is an application that is used as a tool for communication. After installing this software application in a computer, ICQ allows you to know who is online (network), and allows you to contact them by clicking the name or the icon next to it and then send a message, initiate a chat session or launch any other interactive session (communication mode). ICQ automatically detects user connection to the Internet and announces your presence(on-line status indicator;)to those whose list (contact list) you are on and notifies you if your contacts are on-line (status indicator) as well. Thus status indicator is color-coded

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symbol (flower icon), i.e, it changes to green to announce your presence to those whose list you are on.

Moreover, as described below, it is clear that the current claims are not distinguishable over the cited art.

As per claim 1, the claim recites, "communication selection means," ICQ, as described in Quick Tour, describes that users can launch any one of the communication modes selected from a user's menu, such as chat (in real time), e-mail, etc. The status indicator reflects the selected mode of communication (Quick Tour, pages 6-7);

as per "communication means," ICQ, as described in Quick Tour, allows you to contact other ICQ users on the Internet by clicking the name (identifier) or the icon next to it and then send a message, initiate a chat session (real-time) or launch any other interactive session (communication mode) (Quick Tour, pages 6-7);

As per "user indicator presentation means," ICQ, as described in Quick Tour, teaches user indicators, such as user's name, ICQ's unique ID number, etc that are associated with the user. As mentioned above when one of the indicators are selected, it allows you to establish a communication with other users (Quick Tour, pages 6-7). However, ICQ, as described and illustrated in Quick Tour, fails to teach presenting one or more user indicators within the at least one electronic document, wherein the at least one electronic document is generated using any of a plurality of applications.

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ICQ , in ICQ Email Signature, describes this shortcomings. ICQ, in ICQ Email Signature, explicitly describes enabling any other application to generate and present the status indicator within at least one electronic document (ICQ Email Signature, page 2). ICQ enables users to select any other applications, such as Netscape 3 , Microsoft Outlook Express, Eudora, etc. and generate and insert signature, i.e., HTML user indicator into any one of the selected applications (ICQ Email Signature, page 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate the user indicator (signature) feature to the previous version of ICQ (How to Use ICQ) because it enhances the ICQ communication tool and at the same time this enhancement will benefit the users of both ICQ and non ICQ users as well.

The remaining independent claims, 8, 15, 22, 30-33 are rejected for the same reason given to claim 1. Claims 30 and 32 further call for a status indication module associated with a first system application and a communication selection module associated with a second system application, wherein, the first and second system applications are different system applications. ICQ, as describes in Quick Tour, also teaches the above limitations, wherein status can be associated with e-mail, chat or data conference applications that determines a status of a user associated with user indicator (Quick Tour, pages 5-6). Furthermore, ICQ does provide plurality of status determining indicators to know the status (online, offline, etc.) of one or more users on the Internet (see page 2), wherein user's status can be associated with different applications.

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as per claims 2, 10, 16, 24, the ICQ user can control his/her availability to other users by choosing one of the many options, such as if the user does not want to be disturb he clicks "Do not Disturb" option (Quick Tour, page 5). All other users receive this information as well and have a clear idea on the status.

as per claims 3, 11, 17, 25, ICQ further teaches that urgent communication request can be sent from other users and this overrides the previous "Do not Disturb" status will be replaced by "Occupied (Urgent Msgs) (Quick Tour, page 5).

as per claims 4-7, 12-14, 18-21, 26-29, as mentioned above, ICQ does provide several communication mode to a user. Such communication mode includes, among others, e-mail, chat, send message files and URLs, play games, draw on whiteboards, and communicating through voice while surfing the net (Quick Tour, pages 6-7). User can initiate or establish any one of the communication mode to communicate and share at least one application with one or more users (Quick Tour, pages 6-7).

as per claims 9 and 23, as described above, ICQ also describes selecting a user indicator to establish or launch a desired mode of communication with the selected user (Quick Tour, pages 6-7).

Response to Arguments

6. Applicant's arguments with respect to claims 1, 8, 15, 22, 30, 31, 32, and 33 have been considered but are moot in view of the new ground(s) of rejection.

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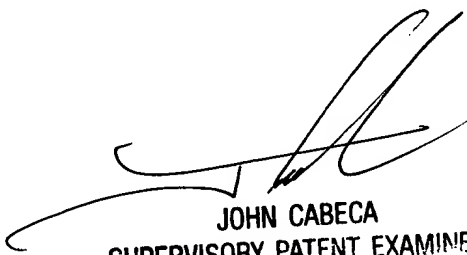
7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 10:00 - 6:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (703) 3083116 Art Unit 2173 CPK 2-4A51.

8. The Official fax number is (703) 872-9306.

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu

12/11/03


JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100